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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/593,149	06/14/2000	Michael A. Vaudrey	10551/88	8117

7590 11/24/2004

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EXAMINER

FAULK, DEVONA E

ART UNIT PAPER NUMBER

2644

DATE MAILED: 11/24/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

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# Office Action Summary

Application No.

09/593,149

Applicant(s)

VAUDREY ET AL.

Examiner

Devona E. Faulk

Art Unit

2644

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 09 August 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 14 is/are pending in the application.
- 4a) Of the above claim(s) 1-13 and 15-18 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

1. The applicant has cancelled claims 1-13, 15-18 without prejudice to or disclaimer of the subject matter contained therein.
2. The finality of the previous office action is withdrawn because the applicant has only rewritten claim 14 with the claim recited claim language of previous recited claim 13, upon which 14 was originally dependent. The amendment was entered. The indicated allowability of claim 14 is withdrawn in view of the newly discovered reference(s) to Miyahsita. Rejections based on the newly cited reference(s) follow.

#### *Claim Objections*

3. Claim 14 objected to because of the following informalities: Claim 14 recites "a second end-ser adjustable amplifier coupled to said analog remaining audio signal and analog remaining audio signal". The examiner believes there was an oversight and what should follow after "and" is "amplifying said analog remaining audio signal". Appropriate correction is required.

#### *Claim Rejections - 35 USC § 103*

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. **Claim 14** is rejected under 35 U.S.C. 103(a) as being unpatentable over Tubman et al. (U.S. Patent 5,569,038) in view of Miyashita et al. (U.S. Patent 5,466,883).

Regarding **claim 14**, Tubman discloses a decoder for decoding a bitstream and producing as its output, a digital preferred audio signal and a digital remaining audio signal (AcoustiPrompt player system (Figures 8-10); 4-channel audio player (54); a mixer (56) (Figures 8 and 10) that permits four respective signals (left and right stereo, vocal and an acoustic prompt signal) received from audio player (54) to be added together in a controlled and specified manner); a first end-user adjustable amplifier coupled to said analog preferred voice signal (79)(Figure 10) (column 16, lines 33-60); a second end-user adjustable amplifier coupled to said analog remaining audio signal and analog remaining signal (78)(Figure 10); and a summing amplifier coupled to outputs of said first and second end-user adjustable amplifiers and outputting a total audio signal, said total signal coupled to an analog receiving device (88; Figure 10). Tubman fails to disclose a D/A converter. Miyashita discloses a karaoke apparatus having a D/A converter connected to the output of an audio decoder (Figure 1) and the D/A converter output used as input to an amplifier. The connecting means that would obviously connect these elements reads on "transmitter". Thus it would have been obvious to one of ordinary skill in the art at the time of the invention to use Miyashita's concept of a D/A converter in order to be able to send an output to a speaker.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Devona E. Faulk whose telephone number is 703-305-4359. The examiner can normally be reached on 8 am - 5 pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Forester W. Isen can be reached on 703-305-4386. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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**FORESTER W. ISEN**  
**SUPERVISORY PATENT EXAMINER**